IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.22 OF 2007
IN
CRIMINAL APPEAL NO.981 OF 2006

Mr.Premal @ Harish Kantilal Kanani ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri A.P.Mundargi, adv. for the Applicant.
Ms.S.V.Gajare, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 21st March, 2007.

P.C.:

1. Heard Mr.Mundargi, the learned counsel for the applicant and Ms.Gajare, the learned APP for the State. Perused the relevant documents and record of the trial Court.

2. The applicant is convicted for the offences punishable under Sections 255, 256, 257, 259 of the I.P.C. and on the first count, he was awarded R.I. for 10 years and fine of Rs.1,000/- while, for each of the remaining counts, he was sentenced to undergo R.I. for 7 years and to pay fine of Rs.500/-. The applicant has preferred an appeal challenging the conviction and sentence. Appeal is admitted.

3. According to the prosecution case, the present applicant used to counterfeit and deal in counterfeited

stamps papers used for the purpose of transfer of shares. Each such stamp would be of Rs.10/-. During the investigation it was revealed that the present applicant had paid Rs.24,000/- to one Nadar to get the counterfeited stamp papers . The said Nadar contacted one printing press owner Ansari. The said Nadar was arrested and certain counterfeit stamps were recovered from him. He took the police to the house of the present applicant and during the search of his house, 150 sheets of 100 stamps worth Rs.1,50,000/- were found from the possession of the present applicant. All these stamps were counterfeited. Thereafter, the said Nadar and the present applicant took the police to the house of one Ansari, who was running the printing press where such counterfeit stamps were prepared and from whom material used for the purpose of counterfeiting stamps as well as sheets and stamps were recovered. Mr.Mundargi, the learned Senior Counsel vehemently contended that if the evidence is taken into consideration, the case against the present applicant would be only under Section 259 which is bailable. According to him, the present applicant can not be convicted for the offences punishable under Sections 255, 256 and 257 which deals with the counterfeiting Government stamps, having possession of instrument or material for counterfeiting Government stamp and making

or selling instruments for counterfeiting Government stamp . He also vehemently contended that there is no reliable evidence that the stamps, which were seized from the present applicant were counterfeited as the parameters and details of the same were not disclosed by the experts from the security press for the security reasons.

4. All these questions may be taken into consideration at the time of final hearing of the appeal. Taking into consideration the circumstances and the gravity of the offence and the fact that the present applicant was convicted in one more case for the offences punishable under Sections 467, 468 of the I.P.C., he was sentenced to undergo R.I. for 24 months, I find that it is not a fit case to grant bail pending the appeal.

5. Application stands rejected.

(J.H.Bhatia, J.)

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P.C.:

1. This be placed alongwith Criminal Appeal No.759 of 2006 and as the accused persons are undergoing sentence in jail, paper-book be prepared as early as possible and appeal be listed for final hearing.

(J.H.BHATIA, J.)

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